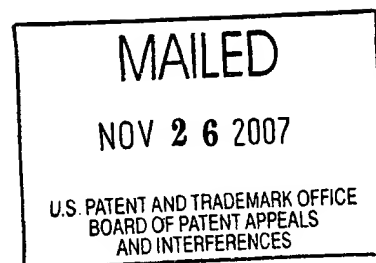


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte: STEPHEN WILLIAMS, ALBERT HARTMAN
AND THOMAS TACKLIND

Application No. 09/768,975

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 19, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

Grounds of Rejection, Incorporation By Reference

On May 18, 2007, an Examiner's Answer was mailed in response to the Appeal Brief received March 8, 2007. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). The section entitled Grounds of Rejection does not identify each grounds of rejection maintained by the examiner. The Examiner only lists the statement of rejections. Incorporation of a rejection by reference is improper.

Application No. 09/768,975

According to the MPEP § 1207.02:

An examiner's answer should not refer, either directly or indirectly, to any prior Office action without fully restating the point relied on in the answer.

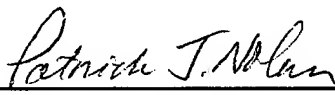
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed May 18, 2007;
- 2) issue and mail a Substitute Examiner's Answer that corrects the Ground of Rejection section; and
- 3) for such further action as may be appropriate.

**BOARD OF PATENT APPEALS
AND INTERFERENCES**

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/tsj

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